

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN WILLIAM ROST, JR.,

Plaintiff,

v.

KINGS COUNTY JAIL, et al.,

Defendants.

NO. 1:20-cv-0227 NONE JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS CASE
FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES

(Doc. No. 12)

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's complaint be dismissed due to his failure to exhaust administrative remedies prior to filing suit as required. (Doc. No. 12.) The findings and recommendations were served on plaintiff and contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff failed to file objections and the time in which to do so has passed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY

ORDERED that:

1. The findings and recommendations filed July 29, 2020 (Doc. No. 12), are adopted in full;

2. This action is dismissed without prejudice to refiling it due to plaintiff's failure to exhaust administrative remedies prior to filing suit; and

3. The Clerk of Court is directed to assign a district judge to this case for the purpose of closing the case and then to CLOSE THIS CASE.

IT IS SO ORDERED.

Dated: October 23, 2020

Dale A. Lloyd
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE